89-1281

Supreme Court, U.S.
FILED
JAN 10 1990
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

NO_____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner.

vs

LOUIS SULLIVAN, SECRETARY, U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 Independence Avenue, S.W.
Washington, D.C. 20201

Respondents,

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

CURTIS L. WRENN, PRO SE
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-7817

76 pp

QUESTIONS PRESENTED FOR REVIEW

1. Whether the District Court abused its discretion in denying the plaintiff's motion for the appointment of legal counsel.

2. Whether the denial of plaintiff's motion for the appointment of counsel, without a hearing, is a violation of the Fourteenth Amendment.

3. Whether the decision to deny plaintiff's motion for appointment of counsel is a "final decision" which is appealable, in that the denial of counsel forecloses vital rights in litigating a complaint.

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JURISDICTIONAL STATEMENT

The jurisdiction of this Court is invoked under Title 28, United States Code, Sections 1254(1), 1651 and 1915. This Court is being asked to review the continuing denial of equal justice to petitioner by the federal courts.

Jurisdiction is also invoked under the Constitution and laws of the United States, including but not limited to the First and Fourteenth Amendments.

This Court is being asked to review the decisions of the District Court and the Court of Appeals, both courts having made decisions against the petitioner without considering the facts and applicable case-law.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

> Congress shall make no law ... abridging the freedom of speech ...; or the right of the people peaceably ... to petition the Government for a redress of grievances.

United States Constitution, Amendment XIV:

> Nor deny to any person within its jurisdiction the equal protection of the laws.

TABLE OF AUTHORITIES

CASE — PAGE

Caston v. Sears, Roebuck & Co., 556 F.2d 1305 (5th Cir. 1977).....

Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 69 S. Ct. 1221, 93 L. Ed. 1528 (1949).....

Slaughter v. City of Maplewood, (8th Cir. 1984), docket No. 83-1503-EM.....

Wrenn v. American Cast Iron Pipe Co., Case No 77-2627 (5th Cir. 1978), p. 5061.....

OPINION BELOW

1. Petitioner filed his complaint in the United States District Court on or about June 11, 1987 (Appendixes N and P). The court did not respond to the plaintiff's complaint.

2. As a result of the district court's refusal to respond to his complaint, the plaintiff wrote the letters at App J, K, L and M. It was only after the petitioner wrote his letter at App J to the Court of Appeals did the district court respond to the complaint.

3. The district court rendered its decision following plaintiff's letter of January 17, 1989 to the court of appeals. Among other things, the district court granted plaintiff's motion to proceed in forma pauperis. App I.

4. On or about March 29, 1989 the plaintiff submitted his request for appointment of legal counsel. App F. The request was denied. App E.

5. Petitioner appealed the district court's decision to the court of appeals on or about April 14, 1989. The appeal was denied. See App D, C, B and A.

STATEMENT OF THE CASE

1. This case involves the petitioner's continuing efforts to bring to an end the nationwide efforts by the United States Department of Health and Human Services, the State of Maryland and other private and public employers to deny him employment in his chosen profession of hospital and health care administration. App P and O.

2. The petitioner's chief complaints in the case at bar concern the continuing denial of employment by the State of Maryland and DHHS, and DHHS' refusal to process charges of unlawful discrimination filed by the petitioner. In that connection, the one charge that DDHS did process it found that Maryland had unlaw-

fully discharged the petitioner. However instead of requiring the employer to reinstate the petitioner, DHHS conciliated the charge by requiring the State of Maryland to hire a Black Hospital Administrator.

3. The specific issue before this Court is the district court's refusal to appoint an attorney to represent the petitioner in this case which involves very complex legal and constitutional questions.

4. This Court is being asked to decide whether the denial of a request for the appointment legal counsel is a "final order" which thereby authorizes a complaining person to file an appeal.

5. This Court is also being asked to decide whether a complaining person has a constitutional right to a hearing in connection with a request in a district court for the appointment of an attorney to represent him in a lawsuit.

REASONS FOR GRANTING WRIT

1. This petition for writ of certiorari should be granted for the reasons set forth in App D and B.

2. The district court denied the petitioner's request for the appointment of legal counsel without a hearing. Moreover, the district court provided NO explanation for its decision to deny the request. App E.

3. The decision of the district court, as upheld by the Fourth Circuit Court of Appeals, is contrary to decisions of the other circuits. For this reason, this Court is being asked to resolve the apparent differences among the circuits. Some examples:

a. The Fifth Circuit in Wrenn v. American Cast Iron Pipe Co., Case No 77-2627 (5th Cir 1978), p. 5061 states:

> "... we note that the trial court's summary rejection of Wrenn's request for counsel, without hearing and without consideration of the merit of his claim or his ability to find private counsel, raises serious

> questions under the standards subsequently announced in Caston v. Sears, Roebuck & Co., 556 F.2d 1305 (5th Cir 1977)..."

b. The Eighth Circuit Slaughter v. City Maplewood, Case No 83-1503-EM, (8th Cir 1984) states:

> "On appeal from denial of plaintiff's motion for appointment of counsel ..., remand was required for limited purpose of having the district court outline the bases for its decision, where Court of Appeals was unable to determine from the record whether the district court considered any relevant factors."

4. Based on the foregoing, the writ should be granted, if for no other reason the district court provided no explanation for its decision. Also, contrary to the court of appeals the denial of a request for appointment of legal counsel is "immediately appealable under collateral order exception to final judgment rule." See, e.g., Slaughter, and Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 69 S. Ct. 1221, 93 L. Ed. 1528 (1949).

CONCLUSION

The decision of the trial court is contrary to the Constitution and laws of the United States, as interpreted by courts in the other circuits and this Court.

Based on the foregoing the Petition for Writ of Certiorari should be granted, and this case should be remanded to the district court for the required hearing on the plaintiff's request for the appointment of legal counsel.

Respectfully submitted,

Curtis L. Wrenn, Pro Se
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-7817

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition for Writ of Certiorari was mailed to The Solicitor General of the United States, and The Attorney General, State of Maryland, Annapolis, Maryland, via regular U. S. mail, postage prepaid, this 8TH day of January, 1990.

Curtis L. Wrenn

IN

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

NO_____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,
Petitioner.

vs

LOUIS SULLIVAN, SECRETARY, U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 Independence Avenue, S.W.
Washington, D.C. 20201
Respondents.

PETITIONER'S APPENDIXES

CURTIS L. WRENN, PRO SE
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-7817

LIST OF PETITIONER'S APPENDIXES

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Appendix A

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 89-2084

U.S. Court of
Appeals
Fourth Court

CURTIS L. WRENN

Plaintiff - Appellant

v.

LOUIS W. SULLIVAN, Secretary of Health and Human Services; UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE; STATE OF MARYLAND; DEPARTMENT OF HEALTH AND MENTAL HYGIENE; UNIVERSITY OF MARYLAND AT BALTIMORE MEDICAL SYSTEM/HOSPITAL AND PROFESSIONAL SCHOOLS; G. BRUCE MCFADDEN, Individually and as Director; MORTON I. RAPPORT, M.D., Individually and as President; UNIVERSITY OF MARYLAND MEDICAL SYSTEMS

Defendants - Appellees

On Petition for Rehearing with Suggestion for Rehearing In Banc

---

The appellant's petition for rehearing and suggestion for rehearing in banc were submitted to this Court. As no member of this Court or the panel requested a poll on the suggestion for rehearing in banc, and

As the panel considered the petition for

rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the petition for rehearing and suggestion for rehearing in banc are denied.

Entered at the direction of Judge Hall with the concurrence of Judge Wilkinson and Judge Wilkins.

For the Court,

/s/ John M. Greacen
CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

CURTIS L. WRENN,

Plaintiff-Appellant,

vs Case No 89-2084

HON LOUIS W. SULLIVAN, ET AL.,

Defendants-Appellees.

PETITION FOR REHEARING AND/OR IN BANC CONSIDERATION

COMES NOW THE APPELLANT to ask the Court to reconsider its decision of October 19, 1989 on the grounds that the Court has misapprehended the facts in the case and/or misapplied the laws governing employment discrimination as they relate to the appointment of counsel.

1. This case centers around the clearly erroneous interpretation of the laws governing the appointment of counsel by the United States District Court.

2. This case concerns whether the district court and this Court erred in denying petitioner's request for appointment of legal counsel without a hearing.

3. The decision of the district court is inexplicably not based on the facts of record in this case. The district court apparently gave NO weight to the fact that it granted the plaintiff's motion to proceed in forma pauperis.

I. INTRODUCTION

1. The purpose of this petition for rehearing is to demonstrate that the district court misapprehended the facts and misapplied the law to the facts it did apprehend in this case. As such this case falls within the teaching of Pullman Standard v. Swint, 456 U.S. 273, 287-90, 102 S. Ct. 1781, 1789-91, 72 L.Ed.2d 66 (1982), in that the district court committed reversible error when it failed to consider relevant admissible evidence. See also, United States v. United States Gypsum Co., 333 U.S. 364 (1948).

2. A review of the ENTIRE RECORD will clearly demonstrate that the district court failed to consider:

a. That it granted the petitioner's request to proceed in forma pauperis;

b. This case, without explanation, has been unduly delayed by the inaction of the district court; and

c. The presiding judge continues to take action to deprive the petitioner of the basis right of equal justice before the law.

II. ARGUMENT (REASONS FOR GRANTING THE WRIT)

1. The district court's order denying appellant's request for the appointment of legal counsel in "immediately appealable under collateral order exception to final judgment rule." See, e.g., Slaughter v. City of Maplewood, (8th Cir. 1984), docket No. 83-1503-EM, Decided April 3, 1984, citing Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 69 S.Ct. 1221, 93L.Ed. 1528 (1949). The court also held in Maplewood that:

> "District court has broad discretion in determining whether to appoint counsel in employment discrimination cases, but the exercise of that discretion necessarily

> entails a reasoned and well-informed judgment."
>
> -AND-
>
> "The basis . . . the "harm (the denial of appointment of counsel) may cause can be irreparable on appeal of the final judgment."

2. The district court's rejection of appellant's request for counsel, without a hearing and without consideration of the merit of his claim or his ability to find private counsel AFTER granting him permission to proceed in forma pauperis, raises serious questions under the standards announced in Caston v. Sears, Roebuck & Co., 556 F.2d 1305 (5th Cir. 1977).

3. Accordingly, this case should be reconsidered, if for no other reason, because the district court failed to articulate a reason and/or explanation for denying the appellant's application for appointment of counsel. Thus, this case should be remanded for the purpose of having the district court outline the basis for its ruling.

CONCLUSION

The Court should reconsider its decision because if the decision is allowed to stand it would provide an additional basis for employers throughout America to make employment decisions which tend to deprive the plaintiff, and other similarly situated individuals, of equal employment opportunity solely because of race (Negroid) and/or retaliation (for opposition to unlawful employment practices).

Moreover, if the decision is allowed to stand it will discourage deserving individuals from pursing valid claims simply because they cannot obtain legal counsel to represent them.

Respectfully submitted,

/s/ Curtis L. Wrenn, Pro Se
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-4021

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to the Honorable John R. Hargrove,

District Judge, United States District Court, for the District of Maryland, Baltimore, MD this 26th day of October, 1989, via U.S. mail, postage prepaid.

/s/Curtis L. Wrenn

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 89-2084

CURTIS L. WRENN

Plaintiff-Appellant

v.

LOUIS W. SULLIVAN, SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE; STATE OF MARYLAND; DEPARTMENT OF HEALTH AND MENTAL HYGIENE; UNIVERSITY OF MARYLAND AT BALTIMORE MEDICAL SYSTEM/HOSPITAL AND PROFESSIONAL SCHOOLS; G. BRUCE MCFADDEN, Individually and as Director; MORTON I. RAPPORT, M.D., Individually and as President; UNIVERSITY OF MARYLAND MEDICAL SYSTEMS

Defendants-Appellees

Appeal from the United States District Court for the District of Maryland, at Baltimore. John R. Hargrove, District Judge. (C/A No. 89-384-HAR)

Submitted: August 21, 1989
Decided: October 19, 1989

Before HALL, WILKINSON, and WILKINS, Circuit Judges.

Curtis L. Wrenn, Appellant Pro Se.

PER CURIAM:

Curtis L. Wrenn appeals the district court's denial of his motion for appointment of counsel. We dismiss the appeal for lack of jurisdiction.

Under 28 U.S.C. Subsection 1291 this Court has jurisdiction over appeals from final orders. A final order is one which disposes of all issues in dispute as to all parties. It "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Catlin v. United States, 324 U.S. 229, 233 (1945).

As the order appealed from is not a final order, it is not appealable under 28 U.S.C Subsection 1291. The district court has not directed entry of final judgment as to particular claims or parties under Fed. R. Civ.

P. 54(b), nor is the order appealable under the provisions of 28 U.S.C. Subsection 1291. Finally, the order is not appealable as a collateral order under Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949). See Miller V. Simmons, 814 F.2d 962 (4th Cir. 1987), cert. denied, 56 U.S.L.W. 3267 (U.S. Oct. 13, 1987) (No. 86-7132).

Finding no basis for appellate jurisdiction, we dismiss the appeal as interlocutory. We dispense with oral argument because the dispositive issue has been decided authoritatively.

DISMISSED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

89-2084 Wrenn v. Bowen, Sec
CA-89-384-HAR

INFORMAL BRIEF

Directions: Answer the following questions about the appeal to the best of your ability. Use additional sheets of paper, if necessary. You need not limit your brief solely to this form but you should be certain that whatever you file answers the questions below. In any event, the court prefers short and direct statements.

1. Did the district court fail to consider important grounds for relief. If so, what grounds?

   Yes. Continued on attached sheet.

2. Did the district court incorrectly decide the facts? If so, what facts?

   Do not know. The district court did not state the facts found in the case. Continued on attached sheet.

3. Do you think the district court applied the wrong law? If so, what law do you want applied?

   Yes. Continued on the attached sheet

4. Do you feel that there are any other reasons why the district court's judgment was wrong? If so, what?

   Yes. Continued on the attached

sheet.

5. What action do you want the Court to take in this case?

Remand the case for proper hearing. Continued on attached sheet.

6. If you think the Court should hear oral argument in this case, why do you think so?

No.

/s/Curtis L. Wrenn
Signature
NOTARY NOT REQUIRED

IMPORTANT: A COPY OF THIS BRIEF AND ANY ATTACHMENTS MUST BE SENT TO ALL PARTIES IN THE CASE. PLEASE LIST BELOW THE NAMES AND ADDRESSES OF THE PARTIES WHO WERE SENT A COPY OF YOUR BRIEF, TOGETHER WITH THE DATES ON WHICH THEY WERE SENT.

CASE NO 89-2084

CASE NO 89-2084 WRENN V. BOWEN, SEC

CA-89-384-HAR

1. DID THE DISTRICT COURT FAIL TO CONSIDER IMPORTANT GROUNDS?

The District Court failed to consider that the plaintiff filed his motion to proceed in forma pauperis in this case on or about June 11, 1987 (Exhibit #2, page 5), and that the motion was granted on February 7, 1989 (Exhibit #2). The District Court provided no explanation concerning why it waited almost two years before ruling on the request (Exhibit #2, p. 1-4).

2. DID THE DISTRICT COURT INCORRECTLY DECIDE THE FACTS?

The plaintiff, in response to the Order of March 15, 1989 (Exhibit #5) of the District Court, filed Plaintiff's Request for Appointment of Legal Counsel on or about March 29, 1989 (Exhibit #6). In its denial of the request for appointment of legal counsel, the District Court in its Order of April 5, 1989

(Exhibit #1), did not indicate the facts which served as a basis for its decision.

3. DO YOU THINK THE DISTRICT COURT APPLIED THE WRONG LAW?

28 USA 1915(d). Slaughter v. City of Maplewood, Case No 83-1503-EM, (8th Cir 1984) where the court stated:

> "On appeal from denial of plaintiff's motion for appointment of counsel in an employment discrimination case, remand was required for limited purpose of having the district court outline the bases for its decision, where Court of Appeals was unable to determine from the record whether the district court considered any relevant factors."

See also, Neal v. IAM Local Lodge 2386, (CA Miss 1984), 722 F.2d 247. Also, see Wrenn v. American Cast Iron Pipe Co., Case No 77-2627, (5th Cir 1978), p. 5061 where the court stated:

> ". . .we note that the trail court's summary rejection of Wrenn's request for counsel, without hearing and without consideration of the merit of his claim or his ability to find

> private counsel, raises serious questions under the standards subsequently announced in Caston v. Sears, Roebuck & Co., 556 F.2d 1305 (5th Cir 1977). . ."

4. DO YOU FEEL THAT THERE ARE ANY OTHER REASONS?

The presiding judge in this case (Honorable John R. Hargrove) has consistently abused his discretion against the plaintiff in this case by, among other things, taking almost two years to decide plaintiff's request to proceed in forma pauperis.

5. WHAT ACTION DO YOU WANT THE COURT TO TAKE?

Remand this case to the District Court and direct that the court appoint an attorney to represent the plaintiff OR that a hearing be held to determine plaintiff's eligibility and/or entitlement to the appoint of an attorney.

6. ORAL ARGUMENT IN THIS CASE.

Oral argument is not requested. The Court, as an alternative, is respectfully requested to consider Exhibits 1 through 7

which are incorporated herein by reference.

Respectfully submitted,

/s/Curtis L. Wrenn, Pro Se
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-4021

CERTIFICATE OF SERVICE

I certify that a copy of Plaintiff's Informal Brief was mailed to Honorable John R. Hargrove, United States District Judge, this 17th day of May, 1989, via U.S. mail, postage prepaid, U. S. Courthouse, 101 West Lombard Street, Baltimore, MD 21201.

/s/Curtis L. Wrenn

Appendix E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Curtis L. Wrenn,
Plaintiff

v.

State of Maryland, et al.,
Defendants.

CIVIL ACTION NO.
HAR 89-384

ORDER

Currently pending before this Court if Plaintiff's Request for Appointment of Counsel. After a careful review of the file and the papers filed therein, IT IS this 5th day of April, 1989, by the United States District Court for the District of Maryland, hereby ORDERED:

1. That Plaintiff's Request for Appointment of Counsel BE, and the same hereby IS, DENIED.

2. That the Clerk of the Court send copies of this Order to all parties of record.

/s/John R. Hargrove
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CURTIS L. WRENN,

Plaintiff, Case No. HAR-89-384

vs

STATE OF MARYLAND, ET AL.,

Defendants.

PLAINTIFF'S REQUEST FOR APPOINTMENT OF LEGAL COUNSEL

COMES NOW the plaintiff to respectfully request the Court to appoint an attorney to represent him in this case.

Plaintiff filed an application to proceed in this case in forma pauperis because of his poverty, which resulted from almost twelve years of being denied equal employment opportunity by federal, public and private employers. This Court granted plaintiff's motion on February 7, 1989.

28 USC 1915 allows the Court to appoint a lawyer for a person who sues as a poor person (in forma pauperis). In view of the Court's Orders of February 7, 1989 and March 15, 1989,

plaintiff's respectfully requests the Court appoint a lawyer to represent him in this case which involves very difficult and intricate legal theories.

Plaintiff submits that he does not have the funds to hire an attorney to represent him.

Respectfully submitted,

/s/Curtis L. Wrenn, Pro Se

DATED: March 29, 1989

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

*

Curtis L. Wrenn *
Plaintiff,
*

v. * CIVIL ACTION NO.
HAR 89-384
*

State of Maryland, et al., *
Defendants.

*

O R D E R

Currently pending before this Court is Plaintiff's Second Request for a Waiver of Local Rule 3 (D.Md.). The prior request was denied by Order of this Court dated February 7, 1989. Accordingly, after careful consideration of the records and the papers filed therein, IT IS this 14th day of March, 1989, by the United States District Court for the District of Maryland, hereby ORDERED:

1. That Plaintiff's Request for Waiver of Local Rule 3 (D.Md.) BE, and the same hereby IS, DENIED.

2. That Plaintiff has twenty (20) days in which to obtain local counsel or this case will

be dismissed.

3. That the Clerk of the Court mail copies of this Order to all parties of record.

/s/John R. Hargrove
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Curtis L. Wrenn,

Plaintiff, HAR-89-384

vs

State of Maryland, et al.,

Defendants.

TO: Clerk, U.S. District Court
District of Maryland
Baltimore, MD

MEMORANDUM OF ADDRESS

1. In response to paragraph three of the Court's Order of February 7, 1979, I respectfully request the Court grants an exception to Local Rule 3 (D. Md.).

2. The ground for this request is that I do not have any relatives in Maryland nor do I know anyone whose address I could use for the purpose of receiving notices and other papers from the Court. Moreover, I do not personally have such an address which could be used for this purpose, nor do I know any business firm that could be used to meet the Court's requirements.

3. Based upon the foregoing, I respectfully request an exception to Local Rule 3.

Respectfully submitted,

/s/Curtis L. Wrenn
P. O. Box 203
Fort Drum, NY 13603

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Curtis L. Wrenn, *
Plaintiff,
*

v. * HAR-89-384

*
State of Maryland, et al.,
Defendants.*

O R D E R

Currently pending before this Court is Plaintiff Curtis L. Wrenn's Motion for Leave to Proceed In Forma Pauperis and Complaint with Jury Demand. After a careful review of the papers file, IT IS this 6th day of February, 1989, by the United States District Court for the District of Maryland, hereby ORDERED:

1. That Plaintiff's Motion for Leave to Proceed In Forma Pauperis BE, and the same hereby IS, GRANTED.

2. That Plaintiff be directed to file an Amended Complaint setting forth in specific details how the violations of Plaintiff's rights are continuing.

3. That Plaintiff be further directed to "file with the Clerk a memorandum of the address within the District where notices can be served upon him." Local Rule 3 (D.Md.).

4. That the above be filed with this Court within thirty (30) days of service, under penalty of dismissal.

5. That the Clerk of the Court mail a copy of the Order to Plaintiff by certified mail, return copy requested.

/s/John R. Hargrove
United States District Judge

Appendix J

P. O. Box 203
Fort Drum, NY 13603
January 17, 1989

Clerk, United States Court of Appeals
Sixth Circuit
Tenth and Main Streets
Richmond, VA

RE: Curtis L. Wrenn v. U. S. Department of Health and Human Services, et. al.

Ladies and Gentlemen:

Enclosed please find four copies of correspondence pertaining to my efforts to file a complaint in the United States District Court for the District of Maryland. My initial request to proceed in forma pauperis was filed on or about June 11, 1987. I have not received a response to my follow up requests of January 11, February 27, and July 15, 1988.

Based upon the foregoing and pursuant to Rule 21 of the Federal Rules of Appellate Procedure, this is to respectfully request that the Court of Appeals direct the District Court to respond to my request to proceed in forma pauperis. This petition for Writ of Mandamus should be granted because the District Court has abused its discretion by refusing to rule on my request and by refusing to respond to my various follow up requests.

Petitioner prays that this request will be granted.

Very truly yours,

/s/Curtis L. Wrenn

Enclosure

cc: Clerk, U.S. District Court
CERTIFIED MAIL P858010889

CURTIS L. WRENN
P. O. BOX 1691
ALBANY, NY 12201

Telephone
(518) 477-2508

July 15, 1988

CERTIFIED MAIL P386111322

Mr. Joseph A. Haas, Clerk
United States District Court
U. S. Courthouse
101 W. Lombard Street
Baltimore, MD 21201

RE: Wrenn v. Secretary, U.S. Department of Health and Human Services, et al.

Dear Mr. Haas:

Enclosed please find a copy of my correspondence to your of June 11, 1987, January 11, 1988 and February 27, 1988. Please note that the correspondence pertains to my motion for leave to proceed in forma pauperis, pursuant to the Civil Rights Act of 1964, as amended.

Because this motion has been pending in your Court for more than a year, and since Congress has mandated that Title VII claims be in every way expeditiously processed, this is to respectfully request that I be apprised of the status of this action. Please advise me as soon as possible of the Court's decision and/or the time frame in which you expect the Court to render a decision on my motion.

An early reply would be appreciated.

Very truly yours,

/s/ Curtis L. Wrenn

Enclosures

Appendix L

CURTIS L. WRENN
P. O. BOX 1691
ALBANY, NY 12201

Telephone
(518) 477-2508

27 Feb 1988

Mr. Joseph A. Haas, Clerk
United States District Court
U. S. Courthouse
101 W. Lombard Street
Baltimore, MD 21201

RE: Wrenn v. Secretary, U. S. Department of Health and Human Services, et al

Dear Mr. Haas:

Please accept this as a follow up to my letter to you of June 11, 1987. A copy of that letter is enclosed.

Please advise me regarding the status of my Motion for Leave to Proceed in Forma Pauperis. An early reply would be appreciated.

Sincerely,

/s/ Curtis L. Wrenn

Enclosure

Appendix M

CURTIS L. WRENN
P. O. BOX 1691
ALBANY, NY 12201

Telephone
(518) 477-2508

January 11, 1988

Mr. Joseph A. Haas, Clerk
United States District Court
U. S. Courthouse
101 W. Lombard Street
Baltimore, MD 21201

RE: Wrenn v. Secretary, U. S. Department of Health and Human Services, et al

Dear Mr. Haas:

Please accept this as a follow up to my letter to you of June 11, 1987. A copy of that letter is enclosed.

Please advise me regarding the status of my Motion for Leave to Proceed in Forma Pauperis. An early reply would be appreciated.

Sincerely,

Curtis L. Wrenn

Enclosure

CERTIFIED MAIL P386111357

CURTIS L. WRENN
P. O. BOX 1691
ALBANY, NY 12201

Telephone
(518) 477-2508

June 11, 1987

RE: Wrenn v.
Secretary DHHS

Mr. Joseph A. Haas, Clerk
United States District Court
U. S. Courthouse
101 W. Lombard Street
Baltimore, MD 21201

Dear Mr. Haas:

Enclosed please find the following:

Motion for Leave to Proceed in Forma Pauperis
Complaint With Jury Demand
Exhibits to the Complaint
Cover Sheet
Summons
Notice and Acknowledgment for Service by Mail

Additional copies of the Exhibits to the Complaint can be provided to the Court as needed.

In that connection, I am assuming that stamped copies of the aforementioned documents will be returned to me AFTER the Complaint has been filed.

Please advise.

Very truly yours,

Curtis L. Wrenn

Enclosures.

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Curtis L. Wrenn, HAR-89-384

Plaintiff,

vs

State of Maryland, et al.,

Defendants.

PLAINTIFF'S AMENDED COMPLAINT

1. Pursuant to paragraph two of the Court's Order of February 7, 1989, plaintiff respectfully submits the following to support his claim of continuing (continuing since at least June 11, 1977) violation of rights secured to him by the Constitution and law of the United States, including but not limited to the First and Fourteenth Amendments, and The Equal Employment Opportunity Act and the Age Discrimination in Employment Act:

(1) On June 11, 1977 plaintiff complained of being paid less than whites. He was denied equal pay and was fired.

(2) Plaintiff filed a charge of discrimination with the EEOC and DHHS. After

four years the EEOC issued a determination of "reasonable cause." DHHS after eight years "conciliated" the charge in 1986 by requiring the State of Maryland to hire a black hospital administrator, rather than requiring the rehiring of the plaintiff who filed the complaint in the case.

(3) In 1979 a white person was hired to replace the plaintiff at the University of Maryland Hospital. See Exhibit 1.

(4) During 1979 the plaintiff was denied employment by DHHS (Saint Elizabeths Hospital) as a result of an adversed employment reference from G. Bruce McFadden; plaintiff was also denied the same position in 1981. Similar employment rejections have been received from the Truman Medical Center, University of California Hospital, and the NYS Office of Mental Health. Exhibit 2.

(5) In addition to aiding and abetting the State of Maryland by not requiring

the plaintiff's reinstatement, DHHS has maliciously accused him of criminal acts. DHHS has covered up its activities by refusing to provide information requested under the FOIA. See Exhibits 3 and 4.

(6) In addition to aiding and abetting the State of Maryland by not timely processing the plaintiff's Title VI discrimination claim (a claim which was dismissed by this court for plaintiff's failure to exhaust administrative remedies), DHHS has refused to timely process at least thirty similar Title VI charges against other private and/or public employers. To cover up its activities DHHS has denied plaintiff FOIA requests. See Exhibit 5.

2. Based on the foregoing, plaintiff respectfully submits that the "continuing" acts have been of three types, namely: denial of employment, adverse employment references, and concerted acts to aid and abet to prevent the plaintiff form seeking legal redress against

those who have discriminated against him.

Respectfully submitted,

/s/Curtis L. Wrenn, Pro Se
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 477-2608

DATED: February 20, 1989

UNITED STATES DISTRICT COURT
THE DISTRICT OF MARYLAND

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201, CIVIL ACTION NO.
Plaintiff,

vs

COMPLAINT WITH
JURY DEMAND

SECRETARY, U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES
200 Independence Avenue, S.W.
Washington, D. C. 20201

-and-

UNIVERSITY OF MARYLAND
SCHOOL OF MEDICINE
660 West Redwood Street
Baltimore, MD 21201

-and-

STATE OF MARYLAND
State Executive Department
Annapolis, MD 21404

-and-

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
201 W. Preston Street
Baltimore, MD 21201

-and-

UNIVERSITY OF MARYLAND AT BALTIMORE
MEDICAL SYSTEM/HOSPITAL AND PROF. SCHOOLS
737 W. Lombard Street
Baltimore, MD 21201

-and-

G. BRUCE McFADDEN, INDIVIDUALLY AND AS DIRECTOR
MORTON I. RAPPORT, M.D., INDIVIDUALLY AND AS PRESIDENT
UNIVERSITY OF MARYLAND MEDICAL SYSTEMS
737 W. Lombard Street
Baltimore, MD 21201

Defendants.

COMES NOW the plaintiff, Curtis L. Wrenn, and alleges and complains of the above defendants as follows:

I. PRELIMINARY STATEMENT

1. Plaintiff brings this action against the defendants for conspiring to interfere with his civil rights and for depriving him of rights, privileges and immunities secured by the Constitution and laws of the United States. The actions herein complained of were taken against the plaintiff because of his race (Black) and/or his age (date of birth February 14, 1930), and/or retaliation (for his opposition to employment practices and/or patient care treatment practices made unlawful by the Constitution and laws of the United States).

II. JURISDICTION AND VENUE

2. In this action for declaratory relief, injunctive relief and damages to redress the deprivation of rights secured to the plaintiff, jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 1343, 29 USC 621, et seq, 42 USC 2000d et seq and 2000e et seq, and 42 USC 1981, 1983, 1985(3) and 1986.

3. The jurisdiction of this Court is also invoked to secure protection of and to redress the deprivation of rights secured by Titles VI and VII, providing for injunctive and other relief against discrimination in employment; the thirteenth amendment to the United States Constitution and 42 USC 1981 providing for the equal rights of all persons in every state and territory within the United States; the fourteenth amendment to the United States Constitution and 42 USC 1985(3) providing for the redress of a conspiracy to deprive another of his civil rights; 42 USC 1983 and 1985(3) providing for relief from a conspiracy to

deprive a person of rights, privileges and immunities guaranteed by the Constitution and laws of the United States, under the "color of state law"; 29 USC 621 et seq providing for injunctive and other relief against discrimination in employment on the basis of age; 28 USC 1343(4), this being an action in equity and a suit authorized by law to be commenced by any person to recover damages for injury and to secure other relief under acts of Congress providing for the protection of civil rights; and 28 USC 1331, this being a civil action wherein the matter in controversy exceeds the sum of value of ten thousand ($10,000.00), exclusive of interest and costs, and arises under the Constitution and laws of the United States.

4. The conspiracy and unlawful employment practices alleged herein were and are being committed within the jurisdiction-of this Honorable Court.

III. THE PARTIES

5. Plaintiff, Curtis L. Wrenn, is a Black male citizen of the United States and a resident of the County of Rensselaer, New York. Plaintiff's date of birth is February 14, 1930.

6. The legal status of each defendant in this case is not known by the plaintiff at this time.

IV. ADMINISTRATIVE PROCEDURES

7. Plaintiff filed a charge of unlawful discrimination with the U. S. Department of Health and Human Services (hereafter "DHHS") and the U. S. Equal Employment Opportunity Commission (hereafter "EEOC"). The plaintiff has therefore exhausted the required administrative remedies of Titles VI and VII of the Civil Rights Act of 1964, as amended.

8. The units and entities of the State of Maryland have, since at least June 11, 1978, continuously been and are now employers engaged in an industry affecting commerce within the meaning of Titles VI and VII, and the Age Discrimination in Employment Act.

V. STATEMENT OF THE CLAIMS

9. At all times material to this action, all matters regarding compensation, terms, conditions, rights and privileges of employment of the plaintiff have been governed and controlled by the State of Maryland. The State of Maryland, through its employees, units and entities, has intentionally engaged and continues to intentionally engage in unlawful employment practices, in violation of 42 USC 1981, 1983, 2000e-3(a), and 29 USC 623(a). Moreover, the State of Maryland has conspired to deprive plaintiff of equal employment opportunity by, among other things, providing adverse employment references to prospective employers and informing them that the plaintiff had filed a charge of unlawful employment discrimination against Defendant G. Bruce McFadden and the University of Maryland Hospital.

10. At all times material and relevant in this action, the Defendant DHHS had the

authority, resources and knowledge to prevent and/or correct the unlawful discrimination visited upon the plaintiff. Moreover, the Defendant DHHS investigated plaintiff's complaint against the State of Maryland and found, similarly to the EEOC that plaintiff had been discriminated against. Despite its findings, DHHS refused to take any action to require the employer to either reinstate the plaintiff and/or to provide make whole remedies for the wrongs visited upon him. Instead, DHHS contracted "conciliation" with the defendant for its to hire "a minority administrator." The refusal of DHHS to correct the wrongs visited upon the Plaintiff is a violation of 42 USC 1986.

11. The allegations of law and facts set forth in the foregoing paragraphs one (1) through ten (10), and the attached exhibits, are incorporated herein and made a part hereof expressly by reference.

12. The unlawful employment discrimination

visited upon the plaintiff by the defendants, in the form of the denial of equal pay, employment termination, adverse employment references to prospective employers, and refusal to rehire, has continued from at least July 11, 1977. The following facts are relevant to demonstrate the defendants' continuing malicious acts of intentional unlawful employment practices directed toward the plaintiff:

(1) On or about July 11, 1977 plaintiff was denied equal pay for equal work by Defendant G. Bruce McFadden. See Exhibit A.

(2) On or about July 11, 1977 plaintiff's employment as Associate Director for Administration, University of Maryland Hospital was terminated by Defendant McFadden, in retaliation for exercising his First Amendment right of free speech by submitting a written request for comparable pay for similar work. See Exhibit B.

(3) On or about May 27, 1978

plaintiff filed a charge of unlawful pattern and practice discrimination against G. Bruce McFadden and the University of Maryland Hospital with the EEOC, the U. S. Department of Health, Education and Welfare (predecessor to the U. S. Department of Health and Human Services, and the State of Maryland Commission on Human Relations. A copy of that charge is at Exhibit C. The exhibit clearly demonstrates that DHHS aided and abetted the defendants by, among other things, permitting the State of Maryland to "conciliate" the charge by hiring "a black hospital administrator", namely a person who, coincidentally refused to testify as an expert witness in a lawsuit involving the plaintiff in St Louis, Missouri allegedly because he (the plaintiff was a troublemaker), despite having first agreed to testify. The action by DHHS is a clear violation of 42 USC 1986, for refusing to correct and/or prevent the violations by defendants.

(4) On or about April 1979 and

again in March 1983 plaintiff denied employment by the St. Elizabeths Hospital for the position of Associate Superintendent for Administration, as a direct and proximate result of the adverse employment reference provided by G. Bruce McFadden. The information provided the prospective employer is incorporated herein as Exhibit D.

(5) The plaintiff has been denied employment by the defendants, continuing since at least July 11, 1977, including but not limited to the following positions which the defendants advertised they were accepting applications from persons with plaintiff's qualifications:

Associate Director for Administrative Services

Program Administrator II at the Highland Health Facility

Program Administrator I at the Joseph D. Bradenburg Center

Hospital Administrator at Montebello Center

Assistant Secretary for Health Regulation Programs

in the Maryland Department of Health and Mental Hygiene

Executive Director, Maryland Health Resources Planning Commission

Administrator, School of Medicine

Correspondence pertaining to the application and the subsequent denial of employment for the above positions is at Exhibit E.

(6) Plaintiff filed charges of unlawful employment discrimination in connection with the above denials of employment with the EEOC, DHHS, and the Maryland Commission. The Notices of Right to Sue from the EEOC are at Exhibit F and correspondence from the Maryland Commission on Human Relations at Exhibit G.

(7) The U. S. Department of Health and Human Services conducted an investigation, pursuant to Title VI of the Civil Rights Act of 1964, as amended, of plaintiff's charge of continuing acts of pattern and practice discrimination. A copy of

the DHHS' findings is at Exhibit H.

13. The various decisions of the defendants as alleged hereintofore were based upon defendants' intentionally retaliating against plaintiff for having previously exercised his First Amendment right of free speech; filed "charges" of employment discrimination with the EEOC; participated in EEOC investigations; and because he had previously filed complaints and lawsuits in federal courts. Such "retaliation" is violative of 42 USC Sections 1981, 1983, 2000d, and 2000e; and 29 USC 621 et seq.

(1) The defendants have since at least July 11, 1977 conducted a campaign to stigmatize plaintiff by disseminating information that he was an incompetent health care administrator. This adverse information was disseminated despite the fact plaintiff was denied a procedural due process hearing in connection with employment termination of July 11, 1977. See, Board of Regents v. Roth, 408

US 564, 92 S Ct 2701 (1972), where the Supreme Court held that "Were a government employer's actions have the effect of stigmatizing an employee, such actions are unconstitutional when not based on due process of law including a hearing."

(2) Plaintiff's employment as Associate Director for Administration of the University Maryland Hospital was terminated on July 11, 1977, because he exercised his First Amendment right and complained about being maintained in a racially discriminatory wage system. Plaintiff had privately communicated a request to G. Bruce McFadden on June 27, 1977. See, Givhan v. Western Line Consol School District, 99 S. Ct. 693 (1979) where the Court held that:

> "The First Amendment forbids abridgment of the "freedom of speech." Neither the Amendment itself nor our decisions indicate that this freedom is lost to the public employee who arranges to communicate privately with his employer rather than to spread his views before the public. We decline to adopt such a view of the First Amendment."

See also, EEOC v. Inland Marine Industries, 729 F.2d 1229 (CA Cal. 1984) which held that:

> "in employment discrimination action based on disparate treatment, ...employee established prima facie case of discrimination in payment of wages and when it found that employer failed to produce legitimate nondiscriminatory reason for disparate treatment to rebut the prima facie case. ... In employment discrimination action based on disparate treatment, evidence that employer's foreman refused to bring black employees hourly wages in line with those of whites, even though not done with malice, was sufficient to support finding of intent to discriminate."

(3) Plaintiff was denied his Fourteenth Amendment right to a procedural due process hearing in connection with the denial of equal pay, and the unlawful employment termination in retaliation for plaintiff's exercise of his First Amendment right of free speech. Section 1 of the Fourteenth Amendment is the source of many civil rights, and prohibits states from making or enforcing any

law which shall abridge the privileges or immunities of citizens of the United States; from depriving any person of life, liberty, or property, without due process of law; and from denying to any person within their jurisdiction the equal protection of the laws. The Amendment also prohibits salary differentials on the basis of race or color. Such differentials are constitutionally impermissible whether they result from legislation or quasi-legislation, such as administrative salary schedules or from administration with an evil eye and an evil hand. See, Jones v. Dodson 727 F.2d 1329 (4th Cir. 1984) where the court held "Public employee may not be discharged for expression of ideas on any matter of legitimate public concern, whether in public forum or in private conversation with employer." See also, Parker v. Baltimore & O.R. Co., (CA D.C., 1981) 652 F.2d 1012 where the court held "... by extending protection to employees who oppose

discriminatory practices without recourse to the EEOC, Congress encouraged voluntary internal attempts to remedy discrimination. The remedial purposes of Title VII would be ill served by telling employees that they can be sure of protection only if they limit their complaints about discrimination to formal EEOC filings, and that internal opposition, though encouraged, is undertaken "at the accuser's peril."

(4) The defendants have conspired to deny plaintiff employment in his chosen profession of hospital and health care administration by, among other things, (1) informing prospective employers that he filed a charge with the EEOC, and (2) making disparaging remarks about him. The defendants' actions and conduct complained of herein are violative of 29 USC Section 626, and 42 USC Sections 1981, 1983, 1985(3), 2000d, and 2000e. Rutherford v. American Bank of Commerce, (CA 10, 1977), 16 FEP Cases 831; Pantchenko v. C.

B. Dodge Co., (CA 2, 1978), 18 FEP Cases 691.

(5) The Defendants have continued to retaliate against plaintiff since at least July 11, 1977. Such retaliation has been in the form of employment termination, adverse employment reference and refusal to rehire. See, Curl v. Reasiv, 740 F.2d 1323 (4th Cir. 1984) where that court held in a case similar to the case at bar

> "...we need not consider whether a North Carolina deputy sheriff has any property interest in his employment, since it is not necessary to have such a constitutionally protected interest to bring an employment discrimination claim under Title VII. Cf. Lewis v. Blackburn, 734 F.2d 1000 at 1004 (4th Cir. 1984) (even where individual has no property interest in her position, she cannot be removed from that position for an unconstitutional reason such as retaliation for exercise of constitutional rights."

See also, Spence v. Local 1250, United Auto Workers, 595 F. Supp. 6 (DC N.D. Oh., E.D., 1984) where the court held:

> "an employee need not establish the validity of his original discrimination claim to prove a charge of employer retaliation flowing from the original claim. Croushorn v. Board of Trustees of the University of Tennessee, 518 F. Supp. 9, 21 (M.D. Tenn., 1980) Rather, the factual truth of the employee's accusation which inspired the reprisal is immaterial. 3 Larson Employment Practices, 87.40 (1983). What is relevant is that the employee sincerely believed discriminatory practices existed. It is no defense that the employee's accusation was factually incorrect. Id."

(6) The defendants have denied plaintiff employment since at least July 11, 1977. The pattern and practice herein complained of have "continued" since at least July 11, 1977 and the claims herein are not "time-barred" since each and every failure to hire constitutes a separate "current" violation of Title VII. See, Domingo v. New England Fish Co., 727 F.2d 1429 (CA Wash., 1984) where that

court held "In order for employment discrimination violation to be continuing, it must involve a practice, continued over a period of time, which operates to injure the plaintiff either individually or as a member of the class to which the plaintiff belongs." For example, in a case similar to the case at bar, the Fourth Circuit Court of Appeals, in Jenkins v. Home Ins. Co., 635 F.2d 310 (CA 4 Va., 1980), held "Allegations by female employee that she was consistently paid less than male counterparts performing same work is continuing violation under Title VII ..."

(7) Facts to support plaintiff's continuing violation claims can be found in his initial charge filed with the EEOC on or about May 27, 1978 where he alleged a systemic pattern and practice of paying blacks and females less. Plaintiff was maintained in that discriminatory wage system until at least June 30, 1978 with that date constituting a "current" violation. Subsequent violations

have been in the form of retaliation, i.e., adverse employment references and refusal to rehire. The applicable legal theory and current case law governing "continuing" violations, such as that complained of in this case, are quite clear and specific. A few examples:

Moore v. San Jose, 615 F.2d 1265, (CA 9 Cal. 1980) for "Pervasive policy of systematic discrimination is continuing violation of Title VII."

Ligon v. Frito-Lay, Inc. (1979, ND Tex) 82 FRD 42 for "Continuing violation may occur if defendant's actions demonstrate ongoing pattern and practice of discrimination."

Soble v. University of Maryland, 572 F. Supp. 1509 (DC D. Md., 1983) for "Where the allegedly "discriminatory employment practice has continuously affected the complaining employees and is continuing," the time limits do not run as long as the

discrimination continues."

United Airlines, Inc. v. Evans, 431 U.S. 553, 557-58, 97 S. Ct. 1885-89, 52 L.Ed.2d 571 (1977) for "the critical question is whether any present violation exists." See, Woodward v. Lehman, 717 F.2d 909 (4th Cir., 1983).

Roberts v. North American Rockwell, 650 F.2d 823, 827-28 (6th Cir. 1981) for "The continuing violations theory provides that where the last act alleged is part of an ongoing pattern of discrimination and occurs within the filing period, allegations concerning earlier acts are not time-barred. ... For example, ... 330 days after a plaintiff was promoted to her male supervisor's position for one-third less compensation was not untimely because each paycheck constituted a separate discriminatory act, evidence of the continuing violation of Title VII ..." See time record at Exhibit I.

13. The effect of the policies and

practices complained of hereintofore, has been to deprive plaintiff of equal employment opportunities and otherwise adversely to affect his status as an employee because of his race, age and his previous opposition to employment practices made unlawful by Title VII.

14. As a direct and proximate result of the defendants' actions, plaintiff has not been employed by the defendants and is thus being deprived of income in the form of wages and of prospective retirement benefits, Social Security and other benefits due him as a worker, all because of said plaintiff's age (date of birth February 14, 1930), race (Black) and his previous opposition to employment practices made unlawful by Title VII and 42 USC 1981.

15. Said wrongful acts and conduct by the defendants constitute wanton, willful, malicious, intentional and reckless violations of the Constitution and laws of the United States. The conduct and actions of the

defendants hereintofore complained of were willfully and intentional done to deprive plaintiff of the rights, privileges and immunities secured and guaranteed to him by the Constitution and laws of the United States.

16. As a direct and proximate result of those actions and conduct on the part of the defendants, plaintiff has and will continue to suffer severe and intense emotional distress, mental anguish, humiliation, embarrassment and loss of income and has and in the future will continue to incur expenses and legal fees in order to ensure the vindication of his legal rights.

VI. PRAYER FOR RELIEF

WHEREFORE plaintiff respectfully prays this Honorable Court will advance this case on the docket, order a speedy hearing at the earliest practicable date, cause this case to be in every way expedited and upon such hearing to:

1. Grant plaintiff preliminary relief including immediate hiring, and to restrain the

defendants from further acts of unlawful employment discrimination against him; and

2. Issue a declaratory judgment that defendants' acts, customs, policies, practice, and procedures complained of herein violated plaintiff's rights as secured by the Constitution and laws of the United States; and

3. Grant plaintiff a permanent injunction enjoining the defendants, their officers, agents, successors, employees, attorneys, other representatives, and all those acting in concert with them and at their direction, from engaging in any employment policy or practice which discriminate against any employee or applicant on the basis of race, age or retaliation; and

4. Order defendants to make plaintiff whole for being adversely affected by the policies and practices described herein, by providing appropriate back pay and reimbursement for lost wages, lost pension, Social Security, experience, training

opportunities and other benefits; and

5. Award back pay and an additional sum equal to back pay as liquidated damages for the denial of employment under the Age Discrimination in Employment Act of 1967, as amended; and

6. Grant plaintiff judgment against the defendants for damages in the amount of Five Million Dollars ($5,000,000.00) for mental duress and pain and suffering, as a direct and proximate result of the malicious actions of the defendants; and

7. Grant plaintiff judgment against defendants for punitive damages in the amount of One Million Dollars ($1,000,000.00) or such other amount as is commensurate with the wrongs visited upon plaintiff by the defendants since July 11, 1977 and continuing to date; and

8. Grant plaintiff declaratory and injunctive relief enjoining the defendants from engaging in any acts or practices which violate plaintiff's civil rights and/or his

Constitutional rights; and

9. Retain jurisdiction over this action to assure full compliance with the Orders of this court and with applicable federal laws, and require defendants to file such reports as the Court deems necessary to evaluate such compliance; and

10. Grant plaintiff his attorneys' fees, costs and disbursement for prosecuting this action; and

11. Grant such additional relief as the Court deems proper and just under the circumstances.

Respectfully submitted,

/s/Curtis L. Wrenn, Pro Se
P. O. Box 1691
Albany, NY 12201
Tel: (518) 477-2508